

REMARKS

The Office Action dated March 28, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 12-37 are currently pending in the application, of which claims 12, 24, and 27-37 are independent claims. Claims 12 and 31-32 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Entry of the amendments is respectfully requested because they do not require further consideration or search, because they place the application in condition for allowance, or because they place the application in better condition for appeal. Claims 12-37 are respectfully submitted for consideration.

Claims 12-30 and 33-37 were allowed. Applicants thank the Examiner for this indication of allowance.

Claim 12 was objected to because of the use of the phraseology “an initial value of the transmission power” at line 7 of the claim. Claim 12 has been amended to read “an initial value of transmission power,” omitting the article, and thereby rendering this objection moot. It is respectfully requested that this objection be withdrawn as moot.

Claims 31-32 were rejected as directed to non-statutory subject matter, because they recite “a computer program,” which the Office Action asserted is “descriptive material.” More specifically, the Office Action identified the absence of the feature “a method comprising,” as a reason that the claims were being rejected. Claims 31 and 32

have been amended to include the feature “a method comprising” in the preamble, as well as to include “tangibly” in the preambles of claims 31-32 so that it is clear that claims 31-32 recite patentable subject matter. Thus, it is respectfully requested that the rejection of claims 31-32 be withdrawn as moot.

It is also noted, for the Examiner’s convenience, that portion of the MPEP cited in the Office Action states “Data structures not claimed as embodied in computer-readable media … are not statutory,” but claims 31-32 clearly are claimed as embodied on computer-readable media, and, consequently do not violate the principles expressed in MPEP 2106.

The Office Action also asked for support in the specification for the term “computer-readable medium” as recited the preambles of claims 31-32. The term “computer-readable medium” is not used in the specification. There is, however, no requirement that exact words in the claims appear, as such, in the specification. The specification, at page 10, lines 23-32, for example, fully supports the feature “computer-readable medium,” by indicating that at least some of the disclosed embodiments can be implemented “at existing receivers and transmitters.”

One of ordinary skill in the art would recognize that many existing receivers and transmitters include a computer-readable medium, and that a computer-readable medium is fully supported by reference to existing receivers and transmitters. Accordingly, it is respectfully submitted that the explanation above is responsive to the Office Action’s

request. To the extent that an objection or rejection was intended by the request, it is respectfully requested that such objection or rejection be withdrawn.

For the reasons set forth above, and the reasons already of record, it is respectfully submitted that each of claims 12-37 recites subject matter that is neither disclosed nor suggested in the cited art. Thus, it is respectfully requested that all of claims 12-37 be allowed, and that this application be passed to issuance.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


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